

REMARKS/ARGUMENTS

With this amendment, Claims 39-62 are pending in this application.

In response to the office action, claims 39-62 were amended.

Rejection of Claims 39-41, 43-47, 52-55, and 57-59 under 35 U.S.C. §102 (e) as being anticipated by Orava, U.S. Patent Application Publication 2002/0071477:

Applicant respectfully requests reconsideration of the rejection of Claims 39-41, 43-47, 52-55, and 57-59 under 35 U.S.C. §102 (e) as being anticipated by Orava, U.S. Patent Application Publication 2002/0071477 as herein amended.

Applicant respectfully submits that Orava does not describe nor anticipate Applicant's invention as herein claimed. In general, Orava does not describe an ad-hoc multi-hopping network. Applicant's invention as claimed is based on the multi-hopping aspect of the network. Specifically, intermediate nodes relay (or route) data for other nodes; and that this relay (or routing) function can be selectively disabled. The closest Orava comes to describing a multi-hop network is Figure 2C and [0010], the "scatternet". However, in Orava, there is no discussion about traffic flow across the scatternet, especially the operation of the intermediate node in the union area of the piconets. This is where relaying would have to occur.

Regarding claims 39 and 52, Orava describes two primary states, standby and connection, the rest of the states are used to transition between these two. The former is when a node is not participating in a network, and the latter is when a node is participating. Orava does not describe nor anticipate the "active and non-relay" state as claimed in Applicant's invention. Orava does not even discuss relaying by an intermediate node.

Regarding Claims 46-47 and 58-59, Claims 46-47 and 58-59 contain further limitations of the now believed to be allowable amended claims 39 and 52 respectively. Further, Orava does not anticipate Applicant's invention as claimed in the further limitations of claims 46 and 58. Specifically, in Claims 46 and 58, Applicant recites two classes of devices, infrastructure and non-infrastructure, that the former is by nature a relaying device, the latter is not, and their relaying state is set based on their class. In claims 47 and 59. Applicant claims separate groups of devices, and that the relaying state is set based on membership in the group. Orava does not describe nor anticipate such network structure and operation.

Regarding Claims 40-41, 43-45, 53-55, and 57, these claims all include limitations of the now believed allowable claims 39 and 52 and are therefore also allowable.

Therefore, since Claims 39-41, 43-47, 52-55, and 57-59 recite patentable subject matter, Applicants respectfully submit that Claims 39-41, 43-47, 52-55, and 57-59 are in proper condition for allowance and request that Claims 39-41, 43-47, 52-55, and 57-59 may now be passed to allowance.

Rejection of Claims 42 and 56 under 35 U.S.C. 103(a) as being unpatentable over Susnow et al, U.S. Patent Application Publication 2002/0159385:

Based on the Examiner's comments on page 4, Applicant's have presumed that this rejection was meant to read "rejection of Claims 42 and 56 under 35 U.S.C. 103(a) as being unpatentable over Orava in view of Susnow et al, U.S. Patent Application Publication 2002/0159385" and have responded accordingly.

Applicant respectfully requests reconsideration of the rejection of Claims 42 and 56 under 35 U.S.C. 103(a) as being unpatentable over Orava in view of Susnow et al, U.S. Patent Application Publication 2002/0159385 as herein amended. Claims 42 and 56 contain further limitations of the now believed to be allowable amended claims 39 and 52 respectively.

Further, applicant respectfully submits that Orava in view of Suslow does not anticipate Applicant's invention as claimed in the further limitations of claims 42 and 56. Specifically, the credit system described by Suslow is a flow control mechanism to control the number of packets sent to an intermediate node by a source node [0048]. This number is dynamically updated as the intermediate node empties its buffers, allowing the source node to send more packets [0049]. This provides the intermediate node temporary relief when the source node sends more packets than can be handled, a form of congestion control.

Applicant's invention of amended claims 42 and 46 are an economic credit [0037] for helping in the multi-hop network. When the maximum credits are accumulated, the node stops helping in the network (changes from relaying to non-relaying). The node continues to participate in the network, it just doesn't help as a relay point for other nodes. This is not done to prevent inundation of the node, simply to limit the economic credit that can be received. Applicant respectfully submits that it would not be obvious to one of ordinary skill to extend the concept of flow control to economic credits. Plus, intermediate nodes in Suslow cannot

completely stop relaying without breaking the network, it's only a temporary condition. In Applicant's network, a node can stop relaying and still participate in the network. Other nodes will simply find an alternate route.

Therefore, since Claims 42 and 56 recite patentable subject matter, Applicants respectfully submit that Claims 42 and 56 are in proper condition for allowance and request that Claims 42 and 56 may now be passed to allowance.

Rejection of Claims 48-50 and 60-62 under 35 U.S.C. 103(a) as being unpatentable over Orava in view of Larsen et al, U.S. Patent No. 6,810,428:

Applicant respectfully request reconsideration of the rejection of Claims 48-50 and 60-62 under 35 U.S.C. 103(a) as being unpatentable over Orava in view of Larsen et al, U.S. Patent No. 6,810,428 as herein amended. Claims 48-50 and 60-62 contain further limitations of the now believed to be allowable amended claims 39 and 52 respectively.

As discussed previously with respect to claims 39 and 52, Orava does not anticipate nor describe the "active and non-relaying state" as recited in Applicants claims. Applicant therefore respectfully submits that it would not be obvious to modify the invention of Orava to include a status-based decision described by Larsen.

Therefore, since Claims 48-50 and 60-62 recite patentable subject matter, Applicants respectfully submit that Claims 48-50 and 60-62 are in proper condition for allowance and request that Claims 48-50 and 60-62 may now be passed to allowance.

Rejection of Claim 51 under 35 U.S.C. 103(a) as being unpatentable over Orava in view of Stanforth, U.S. Patent Application Publication 2003/0045295:

The rejection of claim 51 under 35 USC 103(a) as being unpatentable over Stanforth (U.S. Patent Application Publication 2003/0045295) is respectfully traversed and reconsideration and withdrawal of the rejection is respectfully requested at this time.

Applicants respectfully submit that the invention claimed in the present application and the Stanforth (U.S. Patent Application Publication 2003/0045295) application were, at the time the invention of the present application was made, both owned by and subject to an obligation of assignment to the same entity, MeshNetworks, Inc.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge Deposit Account 502117, Motorola, Inc, with any fees which may be required in the prosecution of this application.

Respectfully submitted,

August 21, 2006

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